

**ATTACHMENT B-9: Strikeout/Underline – Ordinance Amending Title 22**

EXHIBIT LRP2012-00009:B

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, BY REPEALING AND REPLACING SECTION 22.10.155 (STORMWATER MANAGEMENT) AND MODIFYING DEFINITIONS IN CHAPTER 22.80

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.10.155 of the Land Use Ordinance, Title 22 of the County Code, is hereby repealed and replaced, to read as follows:

**22.10.155 – Stormwater Management**

~~A. **Purpose.** The purpose of this Section is to implement the Design Standards (Attachment 4) for the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, as required by the Stormwater Management Plan for the County of San Luis Obispo. These standards are intended to address stormwater runoff from new development projects.~~

A. **Purpose.** The requirements in this Section are intended to reduce pollutant discharges to the Maximum Extent Practicable and to prevent stormwater discharges from causing or contributing to a violation of receiving water quality standards, also known as post-construction stormwater management. These requirements also emphasize protecting and, where degraded, restoring key watershed processes to create and sustain linkages between hydrology, channel geomorphology, and biological health necessary for healthy watersheds. Maintenance and restoration of watershed processes impacted by stormwater management is necessary to protect water quality and the beneficial uses of surface and groundwater.

~~B. **Applicability.** All discretionary development, including projects requiring grading permit approval, that falls under one or more of the following categories is subject to the provisions of this Section. These categories are:~~

- ~~1. Single family hillside residence(s) that involve any site work on slopes of 10 percent or greater.~~
- ~~2. Regulated development (as defined by this Title including multi-family residential, commercial, institutional, light industrial development, etc.) with 100,000 cumulative square feet or more of impervious area, including parking areas.~~
- ~~3. Auto and vehicle repair and services.~~
- ~~4. Automobile service stations and gas stations.~~

- ~~5. Restaurants.~~
- ~~6. Residential subdivisions with the potential for development of ten or more housing units. Secondary units are included in this calculation.~~
- ~~7. Parking lots and/or outdoor storage yards, when meeting one or more of the following thresholds:~~
  - ~~a. Area is 5,000 square feet or greater; or~~
  - ~~b. Number of parking spaces is 25 or greater.~~

**B. Applicability.**

- 1. **Where applicable.** The requirements of this section are applicable only where a project will drain to those areas designated by the State Water Resources Control Board (SWRCB) as traditional or non-traditional Municipal Separate Storm Sewer Systems (MS4s), as shown in Figures 10-5 through 10-13. MS4s consist of areas designated as “urbanized” in the most recent decennial US Census, as well as other outlying areas with a population of 10,000 or more or a population density greater than 1,000 people per square mile.

Designated MS4 areas include, but are not limited to, the following:

- a. All areas within an Urban Reserve Line (URL), as designated in the County General Plan.
  - b. All areas within the following Village Reserve Lines (VRLs), as designated in the County General Plan:
    - (1) Black Lake Village
    - (2) Callender-Garrett
    - (3) Garden Farms
    - (4) Heritage Ranch
    - (5) Los Berros
    - (6) Los Ranchos / Edna
    - (7) Palo Mesa
    - (8) Woodlands
  - c. Any other areas identified as being subject to the stormwater standards, as indicated in Figures 10-5 through 10-13.
- 2. **Limited exemption.** Projects which have received approval of a zoning clearance, land use permit or land division prior to March 6, 2014 are exempt from the standards of this Section, unless such approval has expired.

3. **Regulated Projects.** Regulated projects include all new development or redevelopment projects, both discretionary and ministerial, that create and/or replace at least 2,500 square feet of impervious surface (collectively over the entire project site).
- ~~C. **Redevelopment.** This Section shall not apply to redevelopment that results in an increase of less than fifty percent (50%) of the impervious surfaces of a previously existing development if the existing development was not subject to this Section. In this circumstance, this Section shall apply only to the addition, and not to the entire development.~~
- ~~D. **Conflicts with other requirements.** If conflicts occur between the General Permit and provisions of this Title, the more stringent standards shall control.~~
- ~~E. **Application contents.** In addition to those items required in Chapter 22.60 as part of a land use permit application and in Title 21 as part of a land division application, the application shall include all information necessary to demonstrate compliance with all applicable standards in this Section.~~
- ~~F. **Certification.** The application shall include certification of Best Management Practices (BMPs) by a qualified professional. A qualified professional shall mean a registered civil engineer, licensed architect, or other individual deemed to be qualified by the Director. In all cases, the qualified professional shall have been trained in the application of Best Management Practices (BMPs) not more than two years prior to the signature date by an organization with stormwater BMP design expertise (e.g. a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association).~~
- C. **Stormwater Control Plan (SWCP) Required.** Prior to acceptance of an application for a construction permit, grading permit, land use permit or subdivision application associated with a Regulated Project, as defined in Subsection A.3, the applicant shall submit a Stormwater Control Plan that demonstrates compliance with the Post Construction Requirements for the Central Coast Region, adopted by the Central Coast Regional Water Quality Control Board under Order R3-2013-0032.
  1. **Site Design Checklist.** The SWCP for all projects subject to this Section shall demonstrate that the following design strategies have been pursued in order to reduce runoff:
    - a. Limit disturbance of creeks and natural drainage features.
    - b. Minimize compaction of highly permeable soils.
    - c. Limit clearing and grading of native vegetation at the site to the minimum area needed to build the project, allow access, and provide fire protection.
    - d. Minimize impervious surfaces by concentrating improvements on the least-sensitive portions of the site, while leaving the remaining land in natural, undisturbed state.

e. Implement at least one of the following strategies:

- (1) Direct roof runoff into cisterns, rain barrels, underground storage, or a similar mechanism for reuse.
- (2) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with the California Building Code.
- (3) Direct roof runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with the California Building Code.
- (4) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with the California Building Code and Title 19 of the County Code.
- (5) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces.

2. **Plan documents and details.** The SWCP for all Regulated Projects, as defined in Subsection A.3, shall provide the following documents and details:

- a. Project name, application number, location, and assessor's parcel number.
- b. Name of the applicant.
- c. Identification of which project phase, if the project is being constructed in phases.
- d. Project type (e.g. commercial, industrial, multi-unit residential, mixed use, public) and description.
- e. Total project site area.
- f. Total new impervious surface area, total replaced impervious surface area, total new pervious area, and calculation of Net Impervious Area.
- g. Identification of all structural and non-structural Best Management Practices (BMPs) proposed as part of the stormwater conveyance system.
- h. A certification from a qualified professional (e.g. a Registered Civil Engineer, licensed architect, or other individual deemed to be qualified by the Director) that appropriate Best Management Practices (BMPs) have been incorporated into the plan to the maximum extent practicable.

- i. A preliminary drainage plan, consistent with of Section 22.52.110.
- j. A preliminary erosion and sedimentation control plan, consistent with Section 22.52.120.
- k. If needed to demonstrate compliance with the stormwater quality standards in Subsection D, drainage calculations prepared by a Registered Civil Engineer.

**D. Stormwater Quality Standards.** Stormwater Control Plans shall be reviewed for consistency with the post-construction stormwater control standards identified in Central Coast Regional Water Quality Control Board Order R3-2013-0032. Standards contained in this order include, but are not limited to, the following:

- 1. **Site Design.** All Regulated Projects, as defined in Subsection A.3, are subject to this standard.
- 2. **Water Quality Treatment.** All projects resulting in at least 5,000 square feet of net impervious area, other than single-family residences, shall comply with this standard. Single-family residence projects shall comply with this standard if they involve at least 15,000 square feet of impervious area.
- 3. **Runoff Retention.** All projects resulting in at least 15,000 square feet of net impervious area shall comply with this standard.
- 4. **Peak Management.** All projects resulting in at least 22,500 square feet of net impervious area shall comply with this standard.
- 5. **Special Circumstances.** Projects subject to the performance standards identified in Subsection D.3 and D.4, but discharging to watercourses with special circumstances.

**G. General provisions:**

- 1. ~~**Stormwater Quality Plan (SWQP).** In order to demonstrate compliance with this Section, applicants shall complete an SWQP application. Best Management Practices (BMPs) shall be in compliance with the Low Impact Development (LID) Handbook.~~
- 2. ~~**Conservation of natural areas.** A narrative description justifying the proposed site design shall be provided and shall address each of the following as applicable to the site:~~
  - a. ~~Concentrate or cluster development on portions of the site while leaving the remaining land in a natural undisturbed condition.~~
  - b. ~~Minimize clearing and grading of native vegetation to only the amount needed to establish the proposed use, allow access, and provide fire protection. Development shall~~

~~avoid significant topographic features (steep slopes, ridgelines, bluffs, etc.) and areas of native vegetation to the maximum extent practicable.~~

- ~~c. Maximize trees and other vegetation by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.~~
- ~~d. Promote natural vegetation by using parking lot islands and other landscaped areas.~~
- ~~e. Preserve riparian areas and wetlands.~~

~~**3. Stormwater pollutants of concern.** Stormwater runoff from a site has the potential to contribute oil and grease, suspended solids, metals, gasoline, pesticides, and pathogens to the stormwater conveyance system. The development must be designed so as to minimize the introduction of pollutants that may result in significant impacts, generated from site runoff of directly connected impervious areas (DCIA), to the stormwater conveyance system as approved by the Building Official. In meeting this specific requirement, "minimization of the pollutants of concern" will require the incorporation of a BMP or combination of BMPs best suited to maximize the reduction of pollutant loadings in that runoff to the maximum extent practicable. Pollutants of concern consist of any pollutants that exhibit one or more of the following characteristics:~~

- ~~a. Current loadings or historic deposits of the pollutant are impacting the beneficial uses of a receiving water.~~
- ~~b. Elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein.~~
- ~~c. The detectable amounts of the pollutant are at concentrations or loads considered potentially toxic to humans and/or flora and fauna.~~

~~**4. Drainage plan required.** All projects subject to this Section shall require preparation of a Drainage Plan, pursuant to Section 22.52.110. Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak stormwater discharge rate will result in increased potential for downstream erosion.~~

~~**5. Erosion and sedimentation control plan required.** All projects subject to this Section shall require the preparation of an erosion and sedimentation control plan pursuant to Section 22.52.120. Project plans shall include both construction phase and long term Best Management Practices (BMPs) consistent with this Title to decrease the potential of slopes and/or channels from eroding and impacting stormwater runoff, including the following:~~

- ~~a. Safely convey runoff away from the tops of slopes and stabilize disturbed slopes.~~
- ~~b. Maximize the use of use natural drainage systems.~~

- ~~e. Stabilize permanent channel crossings.~~
  - ~~d. Vegetate slopes with native or drought tolerant vegetation.~~
  - ~~e. Install energy dissipaters (such as riprap) at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion. Approval of all agencies with jurisdiction (e.g. U.S. Army Corps of Engineers, California Department of Fish and Game, etc.) is required.~~
- 6. Storm drain system marker.** Any project that includes construction or installation of new storm drain inlets shall include a highly visible storm drain marker designed in accordance with the Public Improvement Standards. Legibility of storm drain markers shall be maintained for the life of the project.
- 7. Best Management Practice (BMP) maintenance.** Long term maintenance of BMPs shall be established through the recordation of a mitigation agreement and/or Covenants, Conditions, and Restriction (CC&Rs), unless the project does not include structural or treatment control BMPs. In order to verify that BMPs will be maintained, the following measures shall be required:
- ~~a. For all properties, the verification will include the developer's signed statement accepting responsibility for all structural and treatment control BMP maintenance until the time the property is transferred to a public entity and, where applicable, a signed agreement from the public entity assuming responsibility for structural or treatment control BMP maintenance.~~
  - ~~b. The transfer of property to a private or public owner must have conditions requiring the recipient to assume responsibility for maintenance of any structural or treatment control BMP to be included in the sales or lease agreement for that property stating the owner's responsibility. The condition of transfer shall include a provision that the property owners conduct maintenance inspection of all structural or treatment control BMPs at least once a year and retain proof of inspection. For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance must be included in the project's Conditions, Covenants, and Restrictions (CC&Rs).~~
  - ~~c. Printed educational materials shall be required to accompany the first deed transfer. These materials shall provide information on what stormwater management facilities are present, signs that maintenance is needed, how the necessary maintenance can be performed, and assistance that the applicant can provide to the new landowner. The transfer of this information shall also be required with any subsequent sale of the property.~~

d. ~~If structural or treatment control BMPs are located within a public area proposed for transfer, they will be the responsibility of the developer until they are accepted for transfer by an appropriate public agency. Structural or treatment control BMPs proposed for transfer must meet Low Impact Design (LID) Handbook or other design standards adopted by the County for the BMP installed.~~

8. ~~**Structural or treatment control Best Management Practices (BMPs).** Post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter, or treat) stormwater runoff:~~

a. ~~**Volumetric treatment control BMP.**~~

- ~~(1) The 85th percentile 24-hour runoff event determined as the maximized capture stormwater volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998); or~~
- ~~(2) The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook—Industrial/ Commercial, (2003); or~~
- ~~(3) The volume of runoff produced from a historical record based reference 24 hour rainfall criterion for “treatment” that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.~~

b. ~~**Flow based treatment control BMP.**~~

- ~~(1) The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or~~
- ~~(2) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.~~

c. ~~**Limited exclusion.** Restaurants and automobile service stations/gas stations, where the land area for development or redevelopment is less than 5,000 square feet, are excluded from the numerical structural or treatment control BMP design standard requirement only.~~

9. ~~**Hydromodification control.** Projects shall comply with the County’s hydromodification control requirements, once developed and established in the Low Impact Development (LID) Handbook. Waiver of or modification to the hydromodification control requirements may only be granted as specified in Subsection I.~~

H. ~~**Standards for specific uses.**~~

1. ~~**Outdoor material storage.** Where proposed projects include outdoor storage areas for storage of materials that may contribute pollutants to the stormwater conveyance system, the following structural or treatment Best Management Practices (BMPs) are required:~~



~~a. Materials with the potential to contaminate stormwater must be:~~

- ~~(1) placed in an enclosure such as, but not limited to, a cabinet, shed or similar structure that prevents contact with runoff or spillage to the stormwater system; or~~
- ~~(2) protected by secondary containment structures, such as berms, dikes, or curbs.~~

~~b. The material storage area shall be sufficiently impervious to contain leaks and spills.~~

~~c. Where secondary containment is necessary, storage area shall have a roof or awning to minimize collection of stormwater or other approved method.~~

~~d. For storage areas involving the storage of motor vehicles, site design shall comply with Section H.5.~~

~~2. **Regulated development.** Regulated development, as defined by this Title, includes, but is not limited to, multi-family, commercial, institutional, and light industrial developments. Regulated development with cumulative impervious square footage of 100,000 square feet or more is subject to the following requirements:~~

~~a. **Loading/unloading dock areas.** To minimize the potential for material spills to be transported to the stormwater conveyance system, the following is required:~~

- ~~(1) Loading dock areas shall be covered, or drainage shall be designed to minimize run-on or runoff of stormwater.~~
- ~~(2) Connections to storm drains from depressed loading docks (truck wells) are prohibited. An approved structural source control measure and/or treatment control measure shall be used to prevent stormwater pollution.~~

~~b. **Repair/maintenance bays.** To minimize the potential for oil/grease, car battery acid, coolant, and gasoline to be transported to the stormwater conveyance system, design plans for repair/maintenance bays shall include the following:~~

- ~~(1) Repair/maintenance bays shall be indoors or designed in such a way that does not allow stormwater run-on or runoff.~~
- ~~(2) The drainage system for the repair/maintenance bays shall be designed to capture all washwater, leaks, and spills. Drains shall be connected to a sump for collection and disposal. Direct connection to the storm drain system is prohibited. If required by the Regional Water Quality Control Board, an Industrial Waste Discharge Permit shall be obtained.~~

~~c. **Vehicle/equipment wash areas.** An area for washing/steam cleaning of vehicles and equipment shall be included on the plans. To minimize the potential for metals, oil/grease, solvents, phosphates, and suspended solids to be transported to the stormwater conveyance system, the area for washing/steam cleaning of vehicles and equipment shall be designed to the following specifications:~~

- ~~(1) Self-contained and/or covered, equipped with a clarifier, or other pre-treatment facility; and~~
- ~~(2) Properly connected to a sanitary sewer or other appropriately permitted disposal facility.~~

~~3. **Restaurants.** An area for washing/steam cleaning of equipment and accessories shall be included on the plans. To minimize the potential for metals, oil and grease, solvents, phosphates, and suspended solids to be transported to the stormwater conveyance system, the area for washing/steam cleaning of equipment and accessories shall be designed to the following specifications:~~

- ~~a. Self-contained, equipped with a grease trap, and properly connected to the sanitary sewer.~~
- ~~b. If the wash area is to be located outdoors, it must be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility.~~

~~4. **Automobile service stations and gas stations.** Automobile service stations and gas stations are subject to the following standards:~~

- ~~a. **Fueling area.** To minimize the potential for oil/grease, solvents, car battery acid, coolant, and gasoline to be transported to the stormwater conveyance system, the project plans shall include the following Best Management Practices (BMPs):~~
  - ~~(1) The fuel dispensing area shall be covered with an overhanging roof structure or canopy. Provide containment limits on the plans (i.e. grade break, berm, etc.). The canopy's minimum dimensions shall be equal to or greater than the containment limits. The canopy shall not drain onto the fuel dispensing area, and the canopy downspouts shall be routed to prevent drainage across the fueling area.~~
  - ~~(2) The fuel dispensing area must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.~~

- ~~(3) The fuel dispensing area must have a 2 percent minimum slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.~~
- ~~(4) At a minimum, the concrete fuel dispensing area must extend 6.5 feet from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less.~~
- ~~b. **Repair/maintenance bays.** To minimize the potential for oil and grease, car battery acid, coolant, and gasoline to be transported to the stormwater conveyance system, design plans for shall comply with the provisions of Subsection H.2.b.~~
- ~~c. **Vehicle/equipment wash areas.** An area for washing/steam cleaning of vehicles and equipment shall be included on the plans, in compliance with the provisions of Subsection H.2.c.~~
- ~~d. **Loading/unloading dock areas.** To minimize the potential for material spills to be transported to the stormwater conveyance system, the project design shall comply with the provisions of Subsection H.2.a.~~
- ~~5. **Parking lots.** Parking lots with an area of 5,000 square feet or more, or 25 parking spaces or more, are subject to the following requirements:~~
  - ~~a. **Parking lot design.** To minimize potential for heavy metals, oil/grease, and polycyclic aromatic hydrocarbons that are deposited on parking lot surfaces by motor vehicles from being transported to the stormwater conveyance system, parking lots shall be designed to meet the following criteria:~~
    - ~~(1) Reduce impervious land coverage of parking areas to the maximum extent practicable.~~
    - ~~(2) Infiltrate and/or treat runoff.~~
  - ~~b. **Oil contamination.** To minimize potential for oil, grease, and other water insoluble hydrocarbons from vehicle drippings and leaks from entering the stormwater conveyance system, plans shall provide for the following:~~
    - ~~(1) Treat to remove oil and petroleum hydrocarbons.~~
    - ~~(2) Ensure adequate operation and maintenance of treatment systems, particularly sludge and oil removal and system fouling and plugging prevention control. At a minimum, this shall include a maintenance program which is funded and carried out by the property owner.~~

**E. Source Control Standards for Specific Uses.** The Stormwater Control Plan must address source control of any applicable pollutants associated with the proposed use that could enter the stormwater

conveyance system. The following source control Best Management Practices (BMPs) are required for projects that propose any of the following features:

1. **Outdoor material storage.** Where proposed projects include outdoor storage areas for storage of materials that may contribute pollutants to the stormwater conveyance system, the following structural or treatment BMPs are required:
  - a. Materials with the potential to contaminate stormwater must be:
    - (1) Placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater system; or
    - (2) Protected by secondary containment structures, such as berms, dikes, or curbs.
  - b. The material storage area shall be sufficiently impervious to contain leaks and spills.
  - c. Where secondary containment is necessary, storage areas shall have a roof or awning to minimize collection of stormwater, or another approved method.
  - d. For storage areas involving the storage of motor vehicles, site design shall comply with Subsection E.7.
2. **Loading and unloading dock areas.** To minimize the potential for material spills to be transported to the stormwater conveyance system, the following is required:
  - a. Loading dock areas shall be covered, or drainage shall be designed to minimize run-on or runoff of stormwater; and
  - b. Connections to storm drains from depressed loading docks (truck wells) are prohibited. An approved structural source control measure and/or treatment control measure shall be used to prevent stormwater pollution.
3. **Repair and maintenance bays.** To minimize the potential for oil/grease, car battery acid, coolant, and gasoline to be transported to the stormwater conveyance system, design plans for repair/maintenance bays shall include the following:
  - a. Repair/maintenance bays shall be indoors or designed in such a way that does not allow stormwater run-on or runoff; and
  - b. The drainage system for the repair/maintenance bays shall be designed to capture all washwater, leaks, and spills. Drains shall be connected to a sump for collection and disposal. Direct connection to the storm drain system is prohibited. If required by

the Regional Water Quality Control Board, an Industrial Waste Discharge Permit shall be obtained.

4. **Vehicle and equipment wash areas.** To minimize the potential for metals, oil/grease, solvents, phosphates, and suspended solids to be transported to the stormwater conveyance system, the area for washing/steam cleaning of vehicles and equipment shall be designed to the following specifications:
  - a. Self-contained and/or covered, equipped with a clarifier, or other pre-treatment facility; and
  - b. Properly connected to a sanitary sewer or other appropriately permitted disposal facility.
5. **Restaurants.** An area for washing/steam cleaning of equipment and accessories shall be included on the plans. To minimize the potential for metals, oil and grease, solvents, phosphates, and suspended solids to be transported to the stormwater conveyance system, the area for washing/steam cleaning of equipment and accessories shall be designed to the following specifications:
  - a. Self-contained, equipped with a grease trap, and properly connected to the sanitary sewer; and
  - b. If the wash area is to be located outdoors, it must be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility.
6. **Fueling areas.** To minimize the potential for oil/grease, solvents, car battery acid, coolant, and gasoline to be transported to the stormwater conveyance system, the project plans shall include all of the following BMPs:
  - a. The fuel dispensing area shall be covered with an overhanging roof structure or canopy. Provide containment limits on the plans (i.e. grade break, berm, etc.). The canopy's minimum dimensions shall be equal to or greater than the containment limits. The canopy shall not drain onto the fuel dispensing area, and the canopy downspouts shall be routed to prevent drainage across the fueling area.
  - b. The fuel dispensing area must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.
  - c. The fuel dispensing area must have a two percent minimum slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.

- d. At a minimum, the concrete fuel dispensing area must extend 6.5 feet from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less.
7. **Parking lots.** Parking lots with an area of 5,000 square feet or more, or 25 parking spaces or more, shall minimize potential for oil, grease, and other water insoluble hydrocarbons from vehicle drippings and leaks from entering the stormwater conveyance system. Plans shall provide for the following:
    - a. Treat to remove oil and petroleum hydrocarbons; and
    - b. Ensure adequate operation and maintenance of treatment systems, particularly sludge and oil removal and system fouling and plugging prevention control. At a minimum, this shall include a maintenance program which is funded and carried out by the property owner.
- F. Maintenance.** Long-term maintenance of BMPs shall be established through the recordation of a maintenance agreement and/or Covenants, Conditions, and Restriction (CC&Rs), unless the project does not include structural or treatment control BMPs. This agreement shall be recorded prior to or concurrent with issuance of a construction permit. In order to verify that BMPs will be maintained, the agreement shall do the following:
1. **Designate responsibility.** Identify the party who is responsible for long-term maintenance of structural and treatment control BMPs.
  2. **Address transfer of responsibility.** Address how BMPs will be maintained once property has been transferred to private landowners, a homeowners association, or a public entity.
  3. **Reference educational materials.** Educational materials shall be required to accompany the first deed transfer. These materials shall provide information on what stormwater management facilities are present, signs that maintenance is needed, how the necessary maintenance can be performed, and assistance that the applicant can provide to the new landowner. The transfer of this information shall also be required with any subsequent sale of the property.
  4. **Address operations and maintenance reporting.** Address how and when long-term operations and maintenance will be verified and reported to the County.
- I. Modification or waiver.** The standards of this Section may be modified or waived if impracticability for a specific property can be established. This may occur in one of two ways:
1. **Modification or waiver by review authority.** The applicable review authority may consider waiver or modification to the provisions of this Section only where the following findings can be made:

- a. ~~That all other structural or treatment Best Management Practices (BMPs) have been considered and rejected as infeasible; and~~
- b. ~~That adherence to these standards is impracticable for the project site because of one or more of the following reasons:~~
  - (1) ~~Extreme limitations of space for treatment on a redevelopment project.~~
  - (2) ~~Soil conditions at a site, which are unstable or unfavorable for infiltration.~~
  - (3) ~~Risk of groundwater contamination because a known unconfined aquifer lies beneath the land less than 10 feet from the soil surface.~~

~~The Regional Water Quality Control Board may revoke a justification waiver for cause and with proper notice upon petition.~~

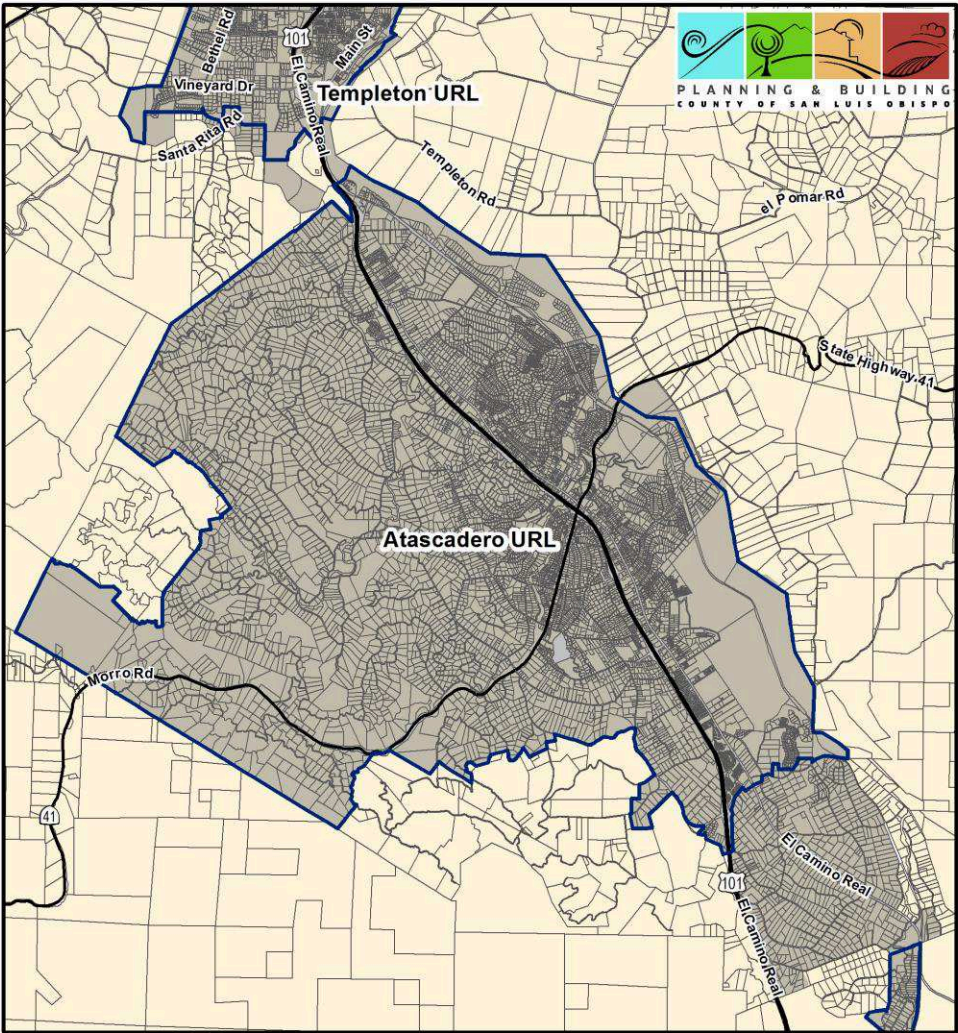
- 2. ~~**Modification or waiver by the Regional Water Quality Control Board.** Any other justification for impracticability must be separately petitioned to the Regional Water Quality Control Board for consideration prior to project approval.~~

- J. ~~**Enforcement.** This Section may be enforced under the provisions established in Section 22.52.190 in addition to the enforcement procedures in Chapter 22.74.~~

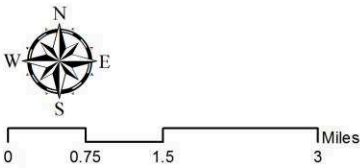
- G. **Alternative Compliance.** The alternative compliance process specified in Central Coast Regional Water Quality Control Board Order R3-2013-0032 may be followed at the discretion of the Director. Such a process may be available in the following circumstances:

- 1. **Special Circumstances.** Where the project discharges to receiving waters with special circumstances (e.g. highly altered channels, intermediate flow control facilities, and historic lakes and wetlands). In these cases, projects may follow the performance standard identified in Subsection D.5 rather than the performance standards in Subsections D.3 and D.4.
- 2. **Technical infeasibility.** Where technical infeasibility limits or prevents the use of structural stormwater control measures.
- 3. **Approved watershed or regional plan.** Where the project falls under a watershed or regional plan that has received approval from the Executive Director of the Central Coast Regional Water Quality Control Board.
- 4. **Approved urban sustainability area.** Urban infill redevelopment projects located within an Urban Sustainability Area that has been approved by the Executive Director of the Central Coast Regional Water Quality Control Board.
- 5. **Other circumstances.** In other circumstances as approved by the Executive Director of the Central Coast Regional Water Quality Control Board.

**FIGURE 10-5: Stormwater Management: Atascadero, Templeton, Garden Farms**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013



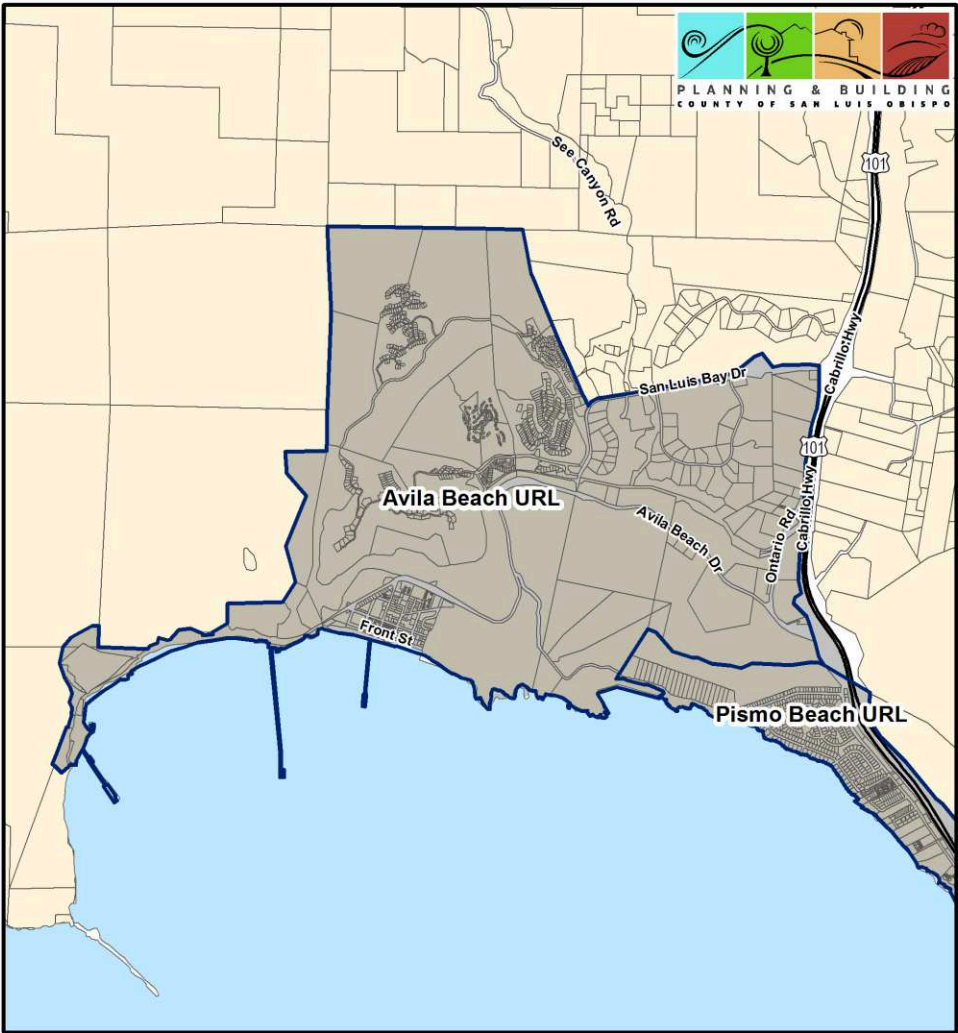
**Legend**

Urban/Village Reserve Line 

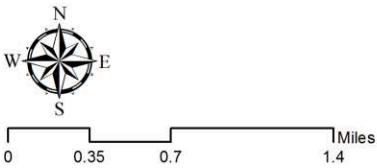
Area Subject to Stormwater Standards 



**FIGURE 10-6: Stormwater Management: Avila Beach and Pismo Beach**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013

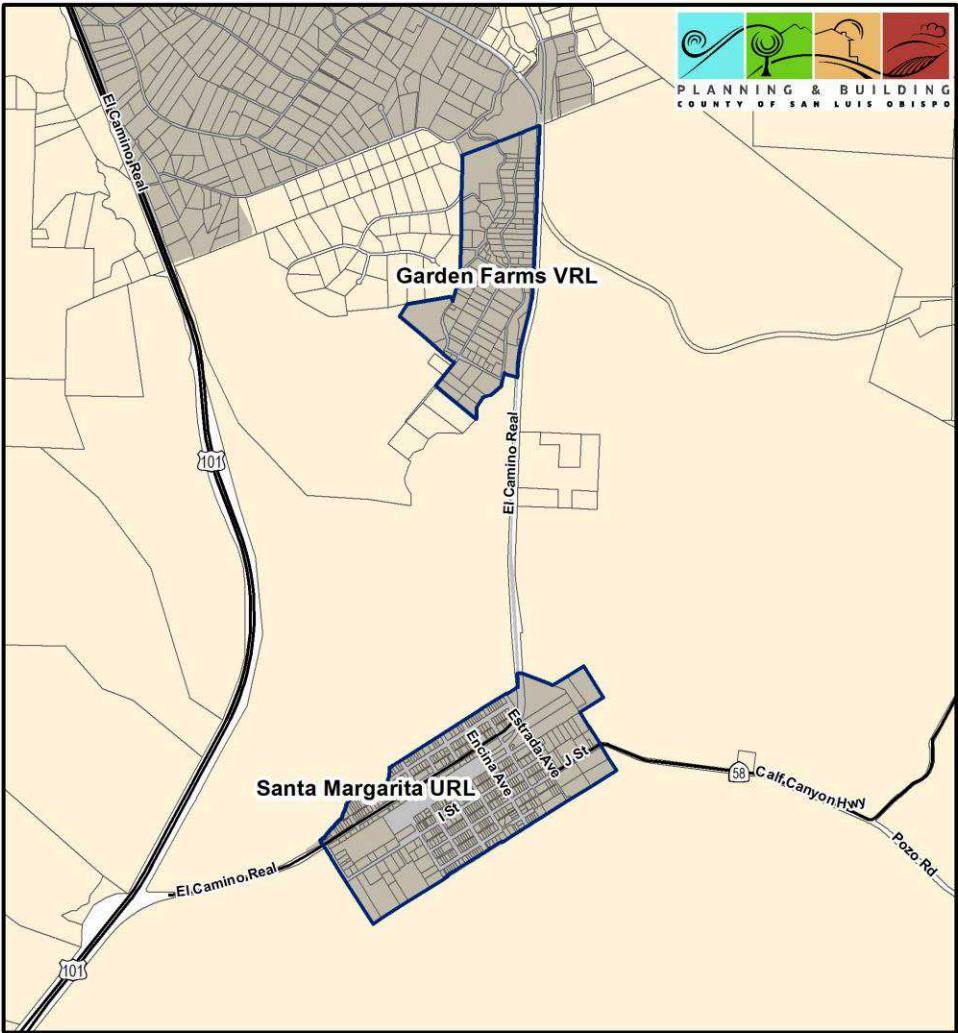


**Legend**

Urban/Village Reserve Line 

Area Subject to Stormwater Standards 

**FIGURE 10-7: Stormwater Management: Garden Farms, Santa Margarita, South Atascadero**




Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013

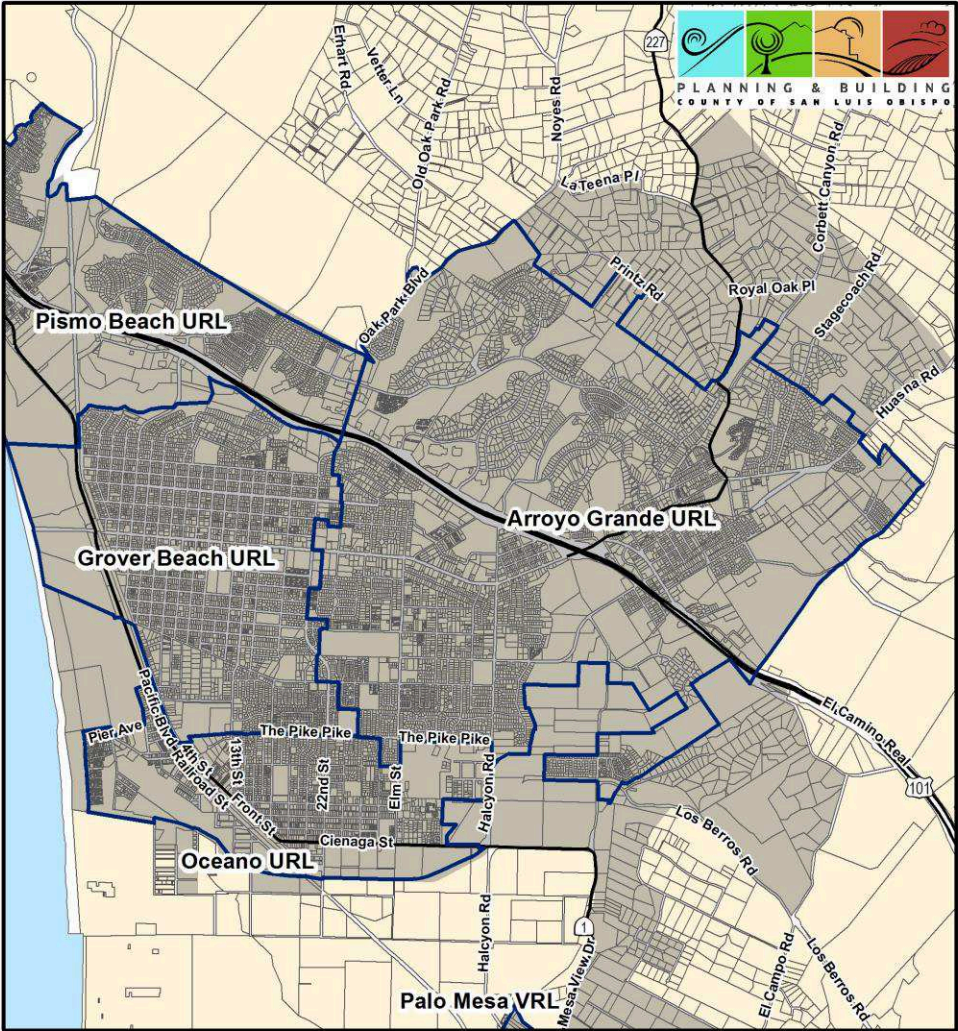


0 0.3 0.6 1.2 Miles

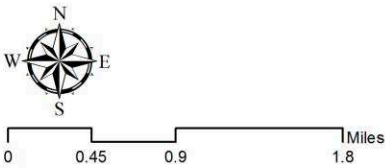
**Legend**

- Urban/Village Reserve Line 
- Area Subject to Stormwater Standards 

**FIGURE 10-9: Stormwater Management: Five Cities Area**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013



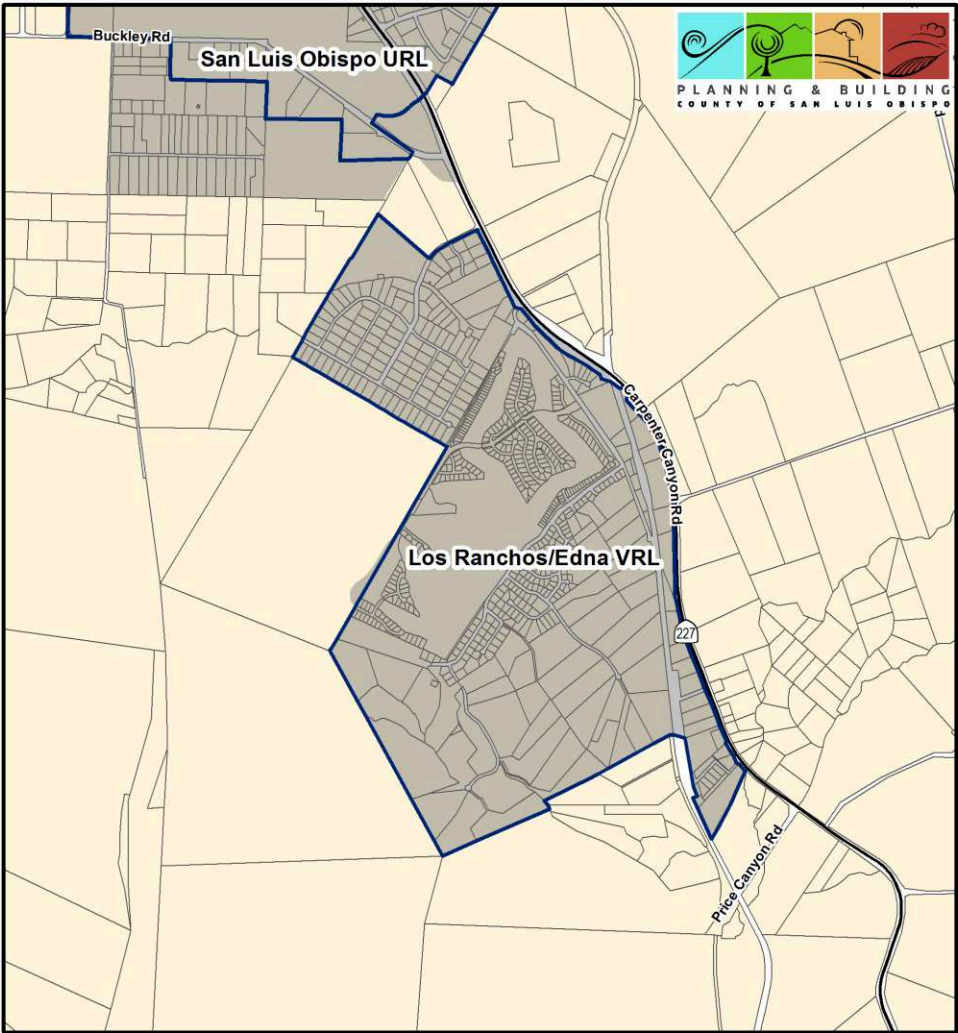
**Legend**

Urban/Village Reserve Line

Area Subject to Stormwater Standards



**FIGURE 10-10: Stormwater Management: Los Ranchos / Edna, San Luis Obispo**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013

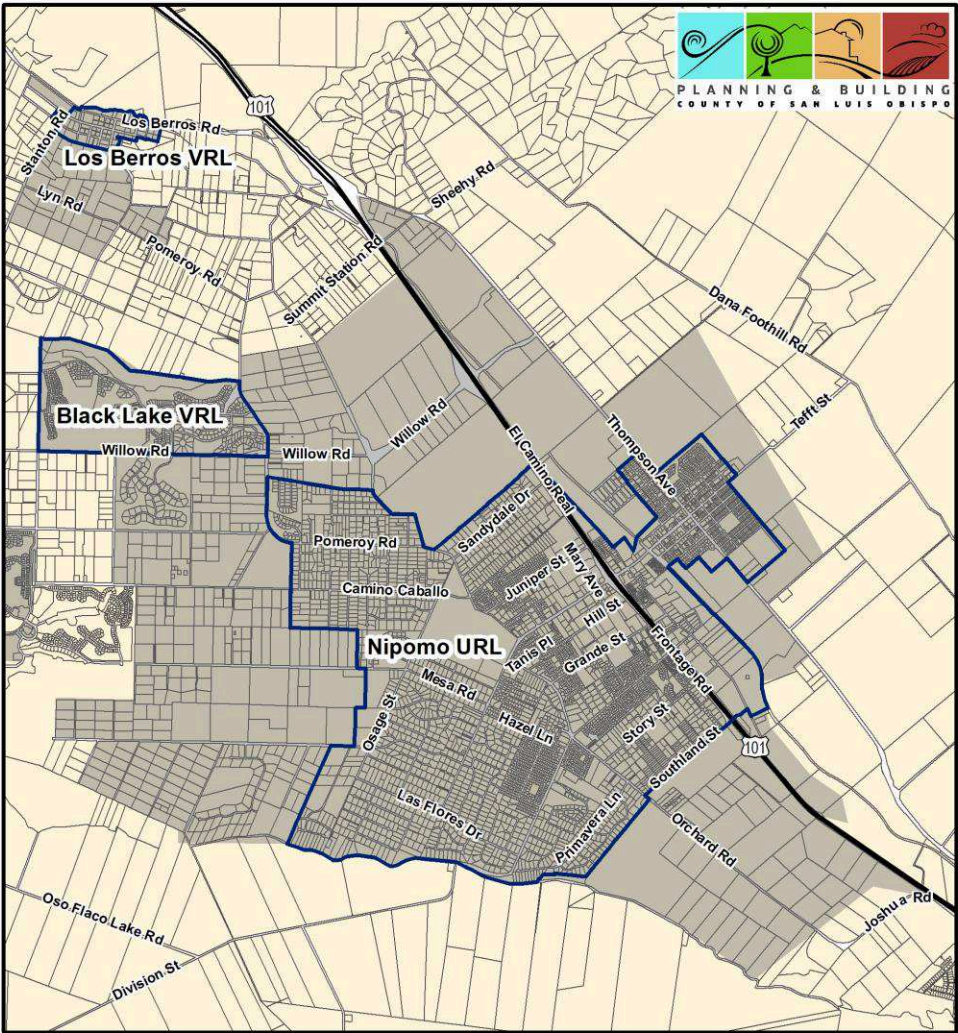


0 0.25 0.5 1 Miles

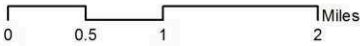
**Legend**

- Urban/Village Reserve Line 
- Area Subject to Stormwater Standards 


**FIGURE 10-11: Stormwater Management: Nipomo, Black Lake, Los Berros**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013

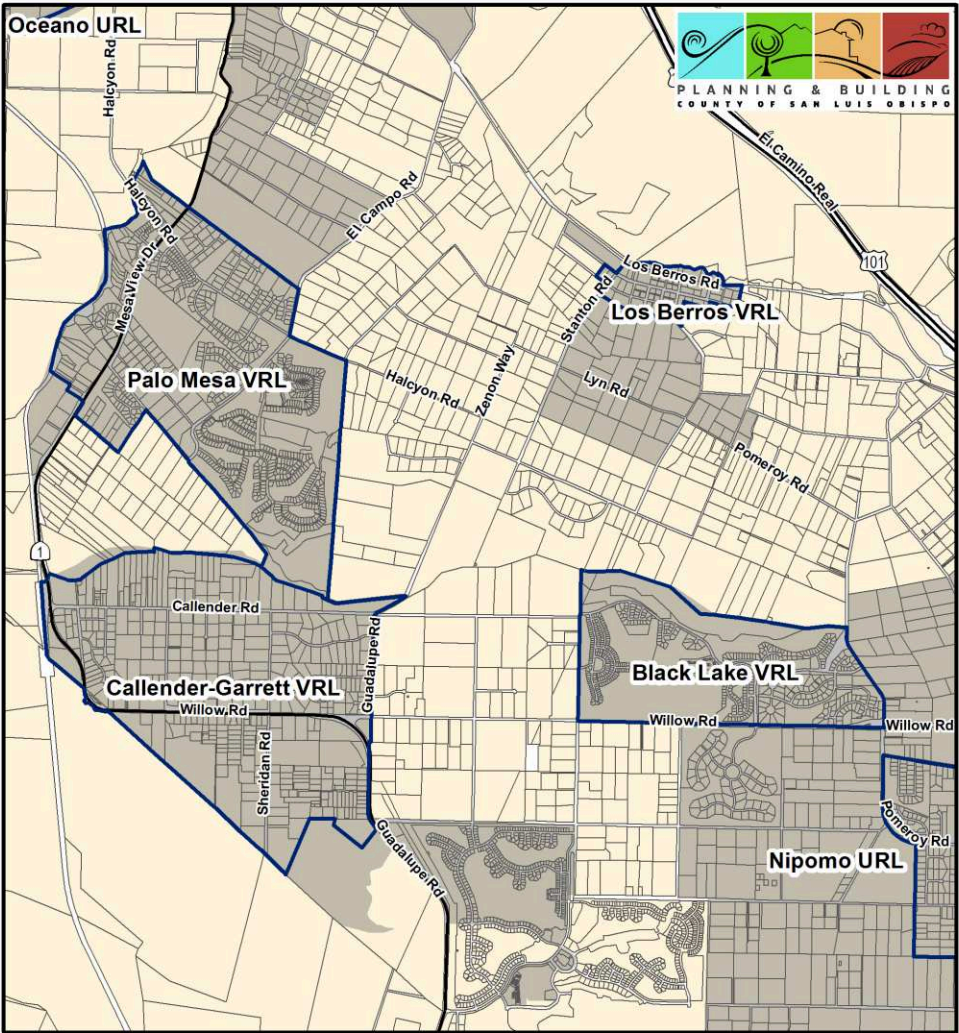


**Legend**

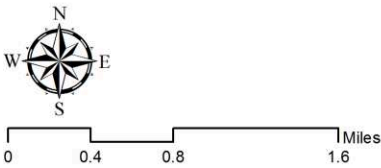
- Urban/Village Reserve Line 
- Area Subject to Stormwater Standards 



**FIGURE 10-12: Stormwater Management: Northern Nipomo Mesa**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013

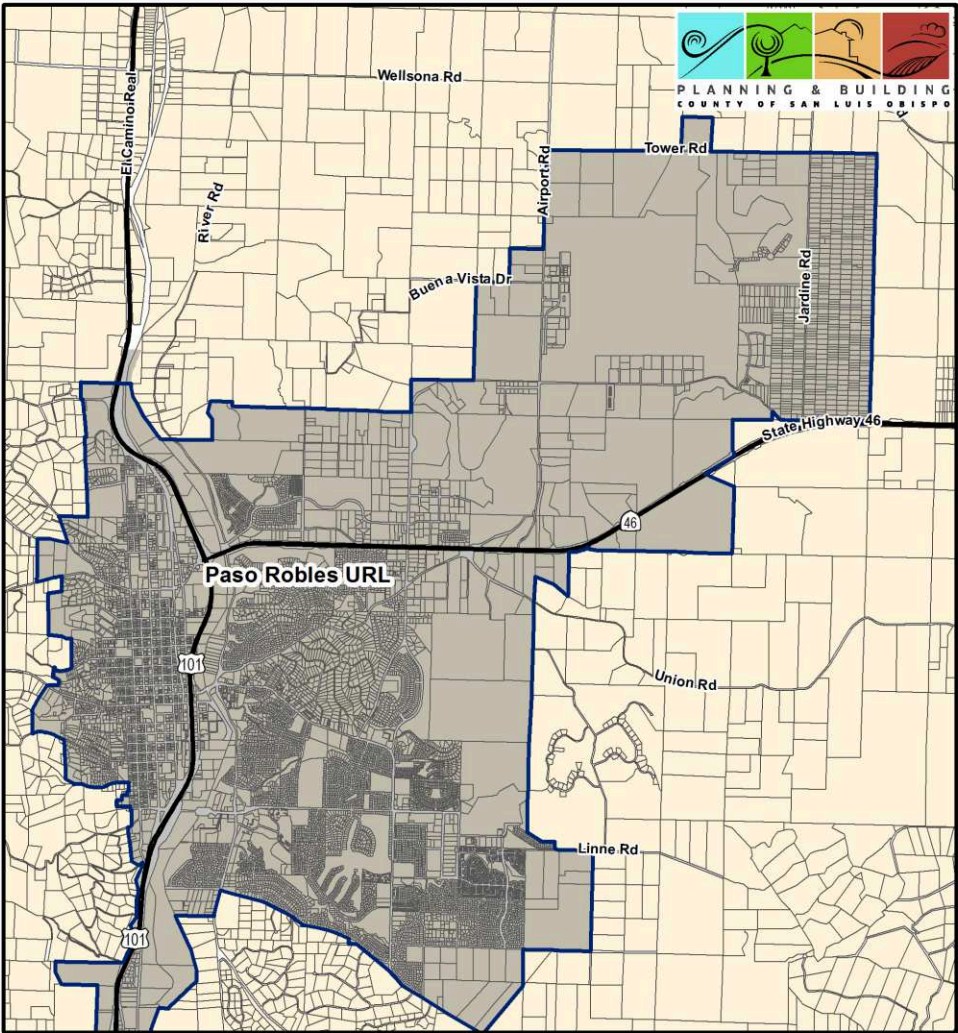


**Legend**

Urban/Village Reserve Line 

Area Subject to Stormwater Standards 

**FIGURE 10-13: Stormwater Management: Paso Robles**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013

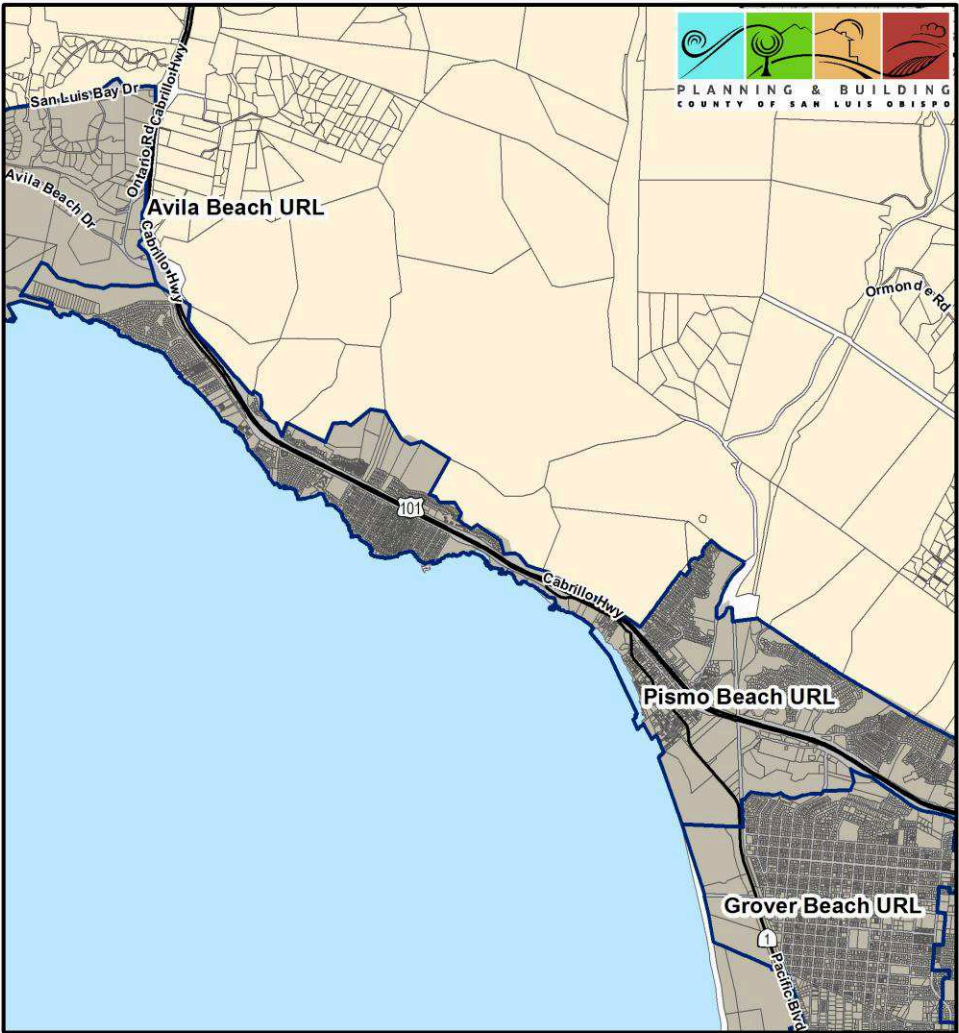


0 0.5 1 2 Miles

**Legend**

- Urban/Village Reserve Line 
- Area Subject to Stormwater Standards 

**FIGURE 10-14: Stormwater Management: Pismo Beach**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013



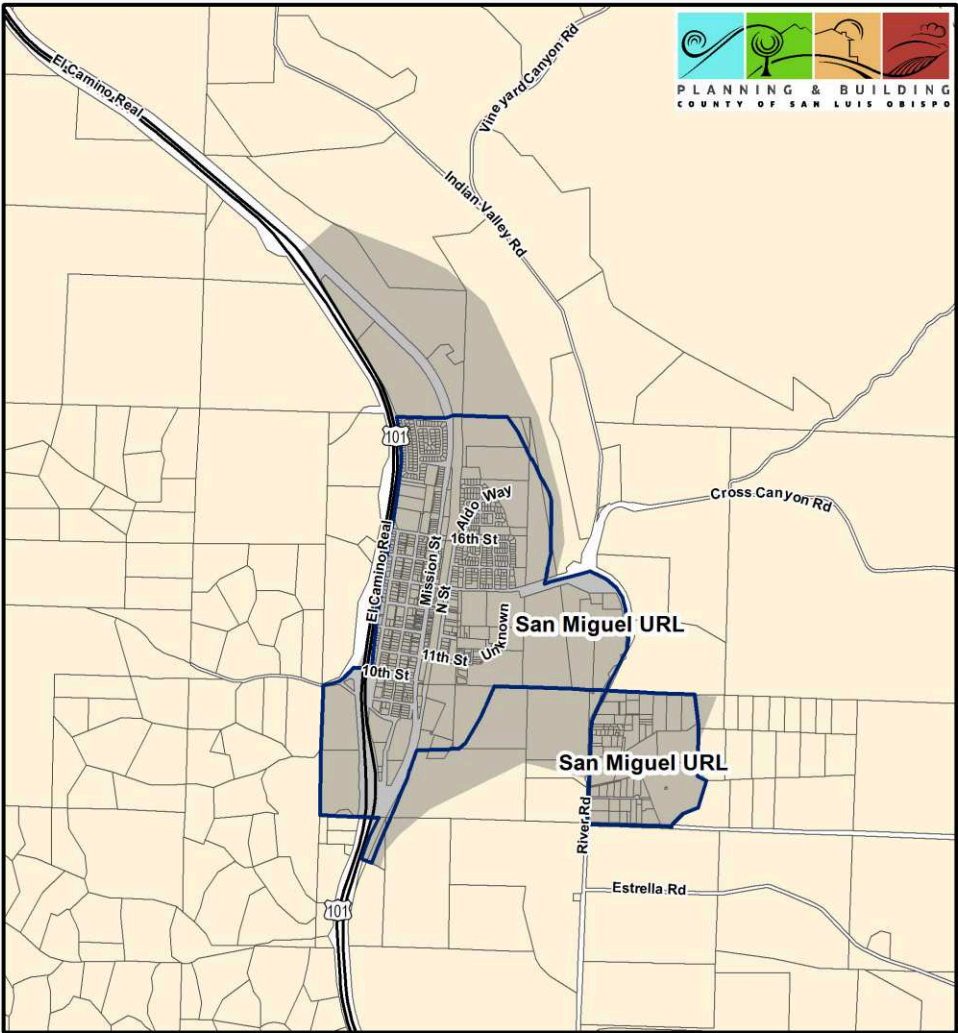
0 0.5 1 2 Miles

**Legend**

- Urban/Village Reserve Line
- Area Subject to Stormwater Standards



**FIGURE 10-15: Stormwater Management: San Miguel**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013

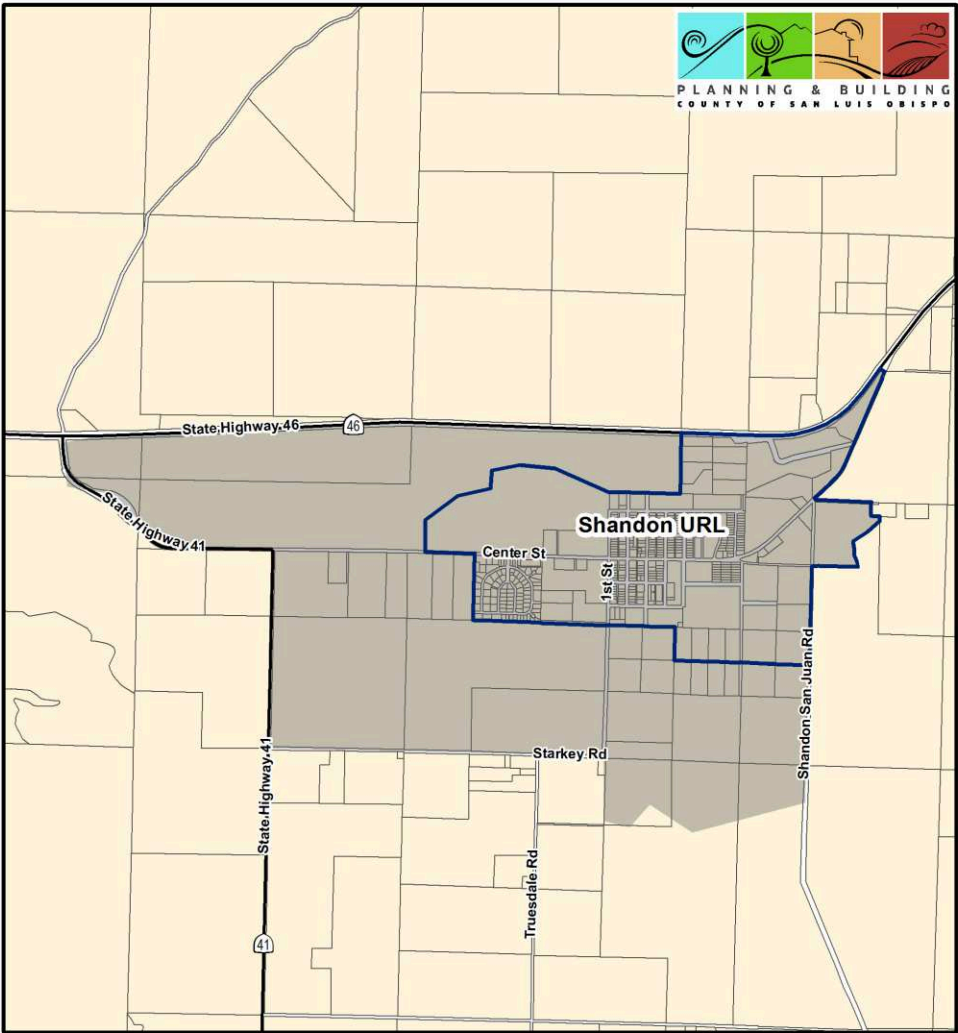


0 0.3 0.6 1.2 Miles

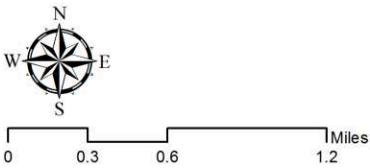
**Legend**


- Urban/Village Reserve Line
- Area Subject to Stormwater Standards

**FIGURE 10-16: Stormwater Management: Shandon**

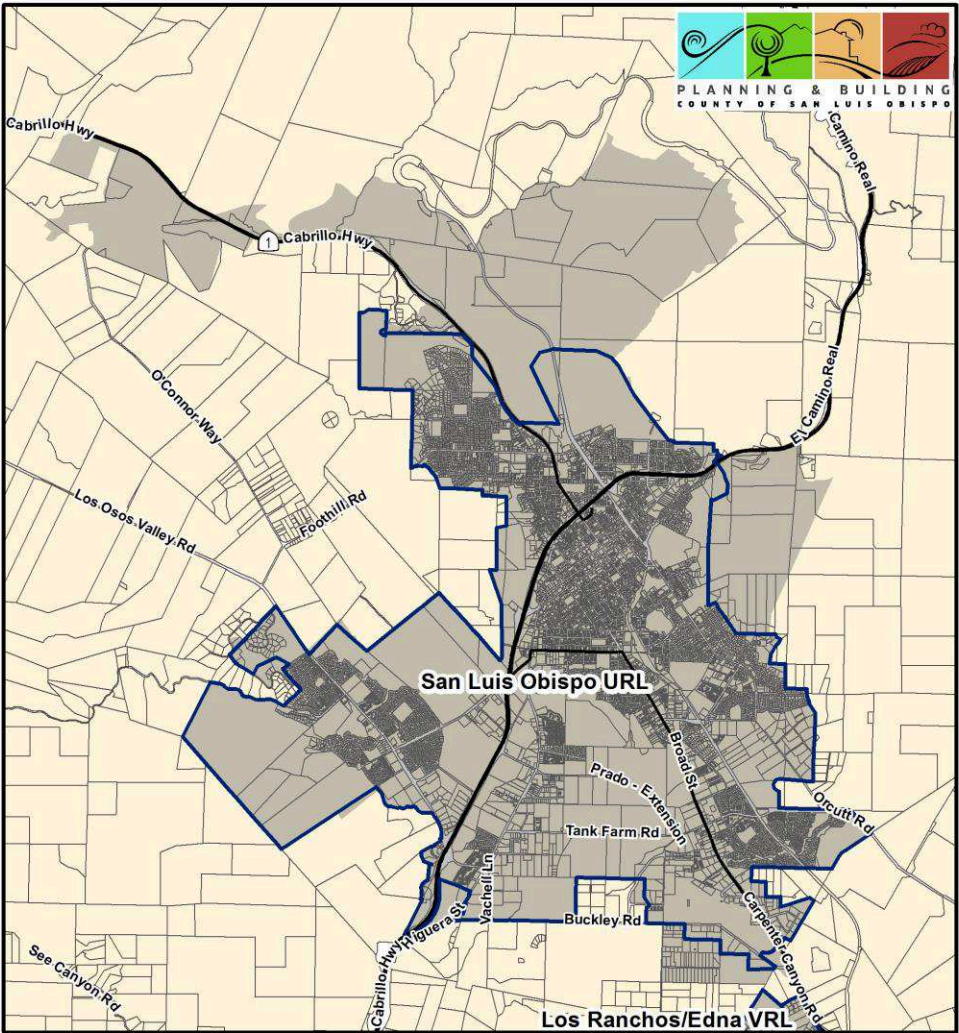


Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013

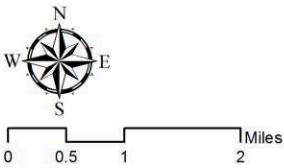


**Legend**  
Urban/Village Reserve Line   
Area Subject to Stormwater Standards 

**FIGURE 10-17: Stormwater Management: San Luis Obispo**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013



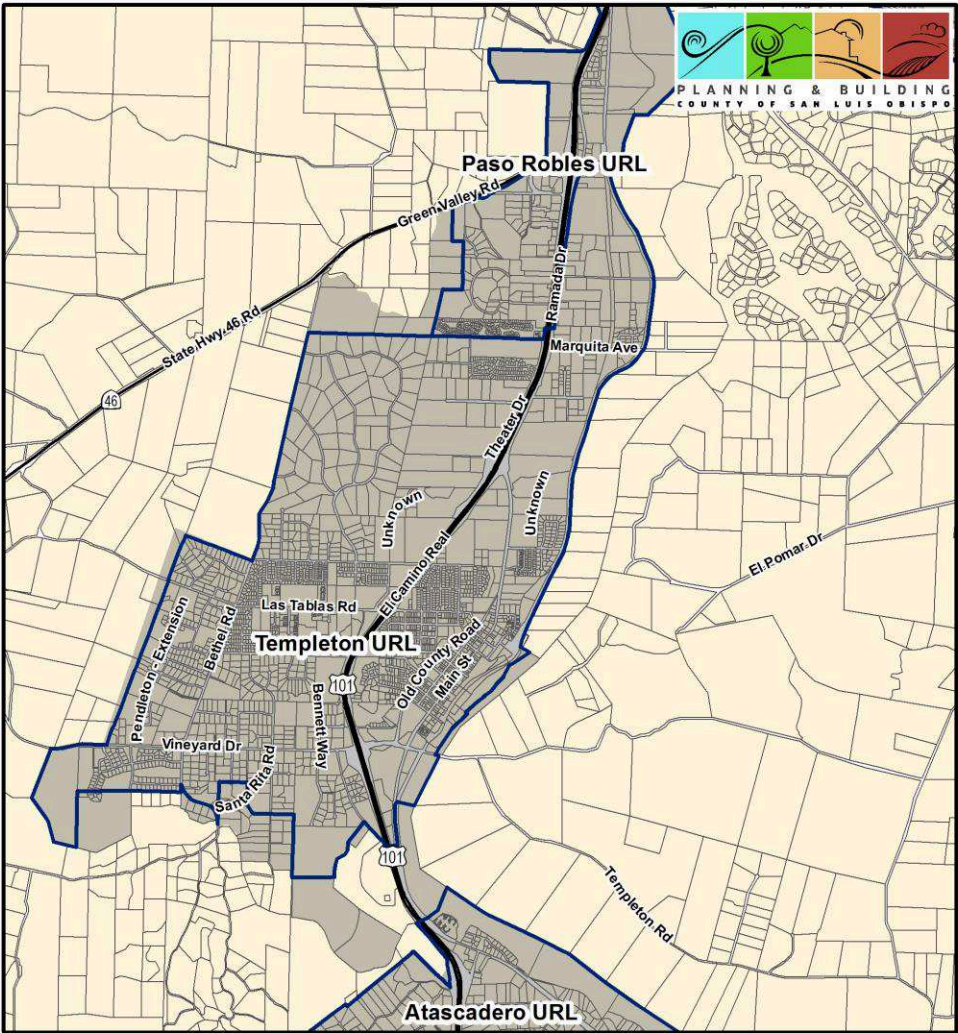
**Legend**

Urban/Village Reserve Line

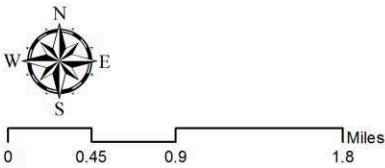
Area Subject to Stormwater Standards



**FIGURE 10-18: Stormwater Management: Templeton**



Source: San Luis Obispo County Planning and Building Department, 2010 Census  
Map created May 21, 2013



**Legend**

Urban/Village Reserve Line 

Area Subject to Stormwater Standards 

SECTION 2: Section 22.80.030 of the Land Use Ordinance, Title 22 of the County Code, is hereby amended to incorporate the following new definitions:

**Legally Responsible Person (LRP).** A person, company, agency, or other entity that possesses real property interest in the land upon which the construction or land disturbance activities will occur for a project regulated by the State Water Resources Control Board (SWRCB) under the Construction General Permit.

**Maximum Extent Practicable (MEP).** A standard for water quality Best Management Practices (BMPs) established as part of the National Pollutant Discharge Elimination System (NPDES) that requires consideration of technical feasibility, cost, and benefit derived. The burden of proof is on an applicant to demonstrate compliance with MEP by showing that a BMP is not technically feasible or that BMP costs would exceed any benefit to be derived.

**Net impervious area.** The total post-project impervious surface area (including both new and replacement surface area), minus any reduction in total imperviousness from the pre-project to the post-project condition.

*Net Impervious Area = (New and Replaced Impervious Area) – (Reduced Impervious Area Credit), where Reduced Impervious Area Credit is the total pre-project to post-project reduction in impervious area, if any.*

**Qualified Stormwater Pollution Plan Developer (QSD).** An individual who is authorized to develop and revise Stormwater Pollution Prevention Plans.

**Qualified Stormwater Pollution Plan Practitioner (QSP).** An individual assigned responsibility for non-stormwater and stormwater visual observations, sampling and analysis, and responsibility to ensure full compliance with the permit and implementation of all elements of the Stormwater Pollution Prevention Plan, including the preparation of the annual compliance evaluation and the elimination of all unauthorized discharges.

SECTION 3: Section 22.80.030 of the Land Use Ordinance, Title 22 of the County Code, is hereby amended to remove the definitions for “Regulated Development” and “Redevelopment.”

~~**Redevelopment.** The creation or addition of at least 5,000 square feet of impervious area on an already developed site. This includes, but is not limited to: the expansion of a building footprint or addition of a structure; structural development including an increase in gross floor area and/or exterior construction or remodeling; and land disturbing activities related with structural or impervious surfaces.~~

~~**Regulated Development.** Any development on private land that is not heavy industrial, crop production/grazing, or single-family residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.~~

SECTION 4: Subsection C of Section 22.52.120 of the Land Use Ordinance, Title 22 of the County Code, is hereby amended, to read as follows:

~~C. **Stormwater Quality Plan (SWQP).** All erosion and sedimentation control plans shall be accompanied with a complete SWQP application, unless exempted by the Director or the Public Works Director. Best Management Practices (BMPs) shall be in compliance with the Low Impact Development (LID) Handbook.~~

C. **Stormwater Control Plan (SWCP).** All erosion and sedimentation control plans shall be accompanied with a complete SWCP application, if required by Section 22.10.155.

SECTION 5: This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to CEQA Guidelines Section 15308, because the project is an action undertaken by a regulatory agency to establish procedures for the protection of water quality.

SECTION 6: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

RITA M. NEAL  
County Counsel

By:  
Deputy County Counsel

Dated: